

## REMARKS

This application has been carefully reconsidered in view of the Office Action of March 1, 2007. In response to the restriction requirement, applicants hereby elect the claims of Group I, Claims 1-17. The restriction requirement is respectfully traversed for the following reasons.

Initially, it will be noted that the requirement for restriction is not consistent with the criteria for restriction as set forth in MPEP § 803 which requires in addition to a showing that the inventions are independent or distinct that:

- (B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808 and § 808.02).

This section goes on under the heading "GUIDELINES" to state:

For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02.

Such a *prima facie* showing, (which as stated in MPEP §803, applicants are entitled to rebut) is asserted in the Office Action based upon the classification of claims 1-17 in class 428, subclass 1+ and the classification of claims 18-29 in class 427, subclass 323. Applicants would respectfully submit that this asserted diversion in classification is in error. Contrary to the classification proposed in the office action, it would appear that both groups of claims should be in class 228 which provides a residual class for, *interalia*, solder removal and for methods and apparatus directed to solder removal. The examiner's attention in this regard is respectfully invited to U.S. Patent No. 5,909,838 to Jimarez et al which discloses and claims the removal of solder through the use of a metal foil. It will be noted that the patent to Jimarez contains both desoldering apparatus claims and method claims for desoldering.

Further with respect to the showings submitted in the Office Action to support distinctiveness, it is noted that the relationship between the two groups of claims is not that of a process of making and product made. The claims in Group I are directed to a desoldering wick.

The claims in Group II are directed to a method of removing solder employing a wick structure.

The relationship of the claims is not one of a process of making a product and the product made.

Further, the Examiner is respectfully requested to consider the requirements for

independent and distinctiveness as set forth in MPEP §802.01:

I. INDEPENDENT

The term “independent” (i.e., unrelated) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect. For example, a process and an apparatus incapable of being used in practicing the process are independent inventions. See also MPEP § 806.06 and § 808.01.

II. >RELATED BUT< DISTINCT

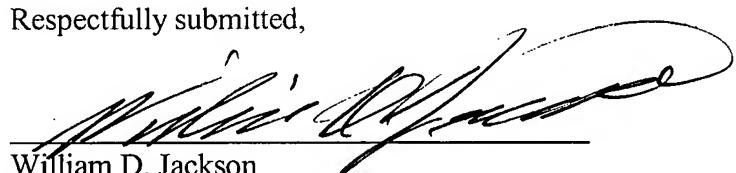
Related inventions are distinct if the inventions *as claimed* are not connected in at least one of design, operation, or effect (e.g. can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art). See MPEP § 806.05 (c) (combination and subcombination) and § 806.05 (j) (related products or related processes) for examples of when a two-way test is required for distinctness.

Here, the claims of Group I are directed to a wick structure incorporating a desoldering flux of the type set forth in the claims of Group II. Attention in this regard is respectfully requested to the correspondence of claim 1 to Group I to claim 19 (Group II) and the correspondence of claim 3 (Group I) to claim 23 (Group II) and claim 4 (Group I) to claim 24 (Group II). Similar relationships are found in other claims of the two groups of claims. Here it would appear that two-way distinctions as addressed in MPEP § 802.01 and § 806.05 (j) is not present. In any case, as noted previously, a serious burden on the Examiner has not been established.

For the reasons advanced above, it is respectfully requested that the requirement for restriction between the claims of Groups I and II be withdrawn and all of the claims in this application be examined in a single application.

Submitted herewith is a check in the amount of \$120.00 for a one-month extension of time to file a response to the Office Action of March 1, 2007. The Director is hereby authorized to charge any additional fees that may be due in connection with the filing of this response or credit any overpayments to Deposit Account No. 50-2225.

Respectfully submitted,



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